**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**
(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
**THE HON'BLE MR JUSTICE V.V.S.RAO**
**WRIT PETITION NO : 15741 of 2004**

Between:
1 Muppala Vengama Raju, S/o Late Ganga Raju,
R/o Gaddagundal Rachapalle Hamlet, Post and Mandal of Lakkireddipalle, Cuddapah
2 Muppala Ganga Raju, S/o Vengama Raju,
R/o Gaddagundal Rachapalle Hamlet, Post and Mandal of Lakkireddipalle, Cuddapah
3 Muppala Ananda Raju, S/o Vengama Raju,
R/o Gaddagundal Rachapalle Hamlet, Post and Mandal of Lakkireddipalle, Cuddapah
4 Muppala Venkata Rama Raju, S/o Vengama Raju,
R/o Gaddagundal Rachapalle Hamlet, Post and Mandal of Lakkireddipalle, Cuddapah
5 Muppala Prasada Raju, S/o Vengama Raju,
R/o Gaddagundal Rachapalle Hamlet, Post and Mandal of Lakkireddipalle, Cuddapah

**.....**
**PETITIONERS**

AND

1 The Joint Collector, Cuddapah District.
2 The Mandal Revenue Officer, Lakkireddypalli mandal, Cuddapah District.
3 M.Nagaraju, S/o Yanadaiah,
Lakkireddypalli Mandal, Cuddapah District
4 Konduru Venkata Raju, S/o Nagaraju,
R/o Gaddangundla Rachapalle, Hamlet, Post and Mandal of Lakkireddipalle, Cuddapah District
5 Konduru Raghunatha Raju, S/o Venkat Raju,
R/o Gaddangundla Rachapalle, Hamlet, Post and Mandal of Lakkireddipalle, Cuddapah District
6 Konduru Venkata Raju, S/o Venkata Raju,

R/o Gaddangundla Rachapalle, Hamlet, Post and Mandal of Lakkireddipalle, Cuddapah District

7 Konduru Venkata Rama Raju, S/o Venkata Raju,
R/o Gaddangundla Rachapalle, Hamlet, Post and Mandal of Lakkireddipalle, Cuddapah District

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus by declaring the impugned proceedings No.E/133/2002, dated 18-1-2004 passed by the 2nd respondent as illegal, arbitrary, unconstitutional and consequently set-aside the same

**Counsel for the Petitioner:MR.B.VIJAYSEN REDDY**

**Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE**

**Counsel for the Respondent Nos.3 to 7: None appeared.**

**The Court made the following:**

**THE HONOURABLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION NO.15741 OF 2004

**ORDER:**

The petitioners assail the orders/endorsement bearing Reference No.E/133/2002 dated 18.01.2004, whereby and whereunder, the Mandal Revenue Officer, the second respondent herein, rejected the request of the petitioners for issue of pattadar pass books and title deeds in respect of the lands, which the petitioners claim belong to them. The impugned order admittedly is passed in exercise of the powers under Section 4 read with Section 5(1) of A.P.Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity). Under Section 5(5) of the Act thereof, against any order of the Mandal Revenue Officer refusing to issue pattadar pass books, an appeal would lie to the Revenue Divisional Officer and in a great haste, Mandal Revenue Officer is going to issue Patta Certificates to respondents 3 to 7. Even this question can also be raised before the Revenue Divisional Officer by the petitioners, who is also vested with the power to stay all further proceedings pursuant to orders of the Mandal Revenue Officer. Further, whether a person is entitled for pattadar pass books and title deeds or whether a request of a person for amendment/alteration of entries in pattadar pass books and record of rights is properly considered or not are essential questions of facts and this Court is ill equipped to adjudicate these issues especially when the respondents are vested with jurisdiction to decide the questions. Therefore, the petitioners may avail the remedy of appeal

as indicated hereinabove.

The writ petition, therefore, with the above observations, is dismissed at admission stage.

**(V.V.S.RAO,J)**

02.09.2004.
pln

To

1 The Joint Collector, Cuddapah District.
2 The Mandal Revenue Officer, Lakkireddypalli mandal, Cuddapah District.
3 Two CCs to the Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT)
4 Two CD copies.